

1/11 DAC

PTO/SB/64 (09-08)

Approved for use through 10/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: Kamran Arghavanigard / Albert Kahen.

Application No.: 10/749,091

Art Unit: 3687

Filed: 12/31/2003

Examiner: Zwaneve, Olusoye

Title: "time clock", "time sheet" and "payroll calculator" software

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee.

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):

☐ has been filed previously on 2/13/08
☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ 65⁰⁰

☐ has been paid previously on 2/7/08
☒ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Albert Kahen
Signature

10/27/08
Date

Albert Kahen
Typed or printed name

Registration Number, if applicable

8900 Burton way #104
Address

310-940-0609
Telephone Number

Beverly Hills, CA 90211
Address

Enclosures: ☐ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☒ Other: timely filed documentation

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

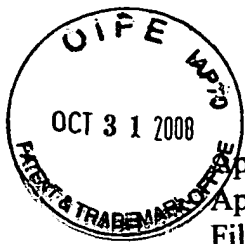
I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

10/28/08
Date

Albert Kahen
Signature
Albert Kahen
Typed or printed name of person signing certificate



Applicants: Kamran Arghavanifard/Albert Kahen

Application No: 10/749,091

Filed: 12/31/2003

Art Unit: 3687

Examiner: Iwarere, Oluseye

10/27/2008

Statement establishing unintentional delay

The response to the above application was mailed by certified mail ,the fee of \$65.00 was paid and filed on 02/13/2008 as it is indicated by the mailing and payment documentations enclosed.

Upon conversation with the examiner, it was confirmed as the internal e mails that are enclosed indicates, that a timely filing and response with the proper fee was received by the US Patent office , but for some reason it was not processed.

A copy of the response is enclosed to be processed again.

The applicants petition the US patent office to revive this application. The applicants also petition the US patent office to waive any fees .

The applicants understand that this matter was not intentional by the US patent office or the applicants.

Sincerely,

A handwritten signature in black ink, appearing to read "Albert Kahen".

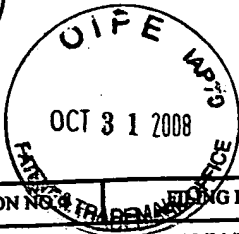
Albert Kahen

Kamran Arghavanifard.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov



APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,091	12/31/2003	Kamran Arghavanifard		7956

7590 09/22/2008
Kamran Arghavanifard / Albert Kahen
998 S. Robertson Blvd. # 103 A
Los Angeles, CA 90035

EXAMINER

IWARERE, OLUSEYE

ART UNIT	PAPER NUMBER
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3687

MAIL DATE	DELIVERY MODE
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09/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of Abandonment

Application No.

10/749,091

Examiner

OLUSEYE IWARERE

Applicant(s)

ARGHAVANIFARD ET AL.

Art Unit

3687

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address–

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 15 November 2007.

(a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.

(b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).

(c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).

(d) ☒ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).

(a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).

(b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.

The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.

(c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).

(a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.

(b) ☐ No corrected drawings have been received.

4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☐ The reason(s) below:

/Matthew S Gart/
Supervisory Patent Examiner, Art Unit 3687

/OLUSEYE IWARERE/
Examiner, Art Unit 3687

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Postal Service Track & Confirm email Restoration - 7007 3020 0001 6458 6348

From: **U.S. Postal Service** (U.S._Postal_Service@usps.com)

 You may not know this sender. Mark as safe | Mark as unsafe

Sent: Mon 10/13/08 5:04 PM

To: kamran90@hotmail.com

This is a post-only message. Please do not respond.

kamran arghavanifard has requested that you receive this restoration information for Track & Confirm as listed below.

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11 Acceptance LOS ANGELES CA 90035 02/13/08 8:44am 5

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SERIAL #: 0078208022
ACCOUNT#: 4861-505311

Purchaser: KAMRAN ARGHAVANIFARD
Purchaser Account: 1393739337
Operator I.D.: cu001827

February 07, 2008

PAY TO THE ORDER OF ***DIRECTOR OF U.S. PATENT AND TRADEMARK OFFIC ***
***FROM KAMRAN ARGHAVANIFARD/ALBERT KAHEN ***

Sixty-five dollars and no cents

***\$65.00**

WELLS FARGO & COMPANY ISSUER
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February 07, 2008

PAY TO THE ORDER OF ***DIRECTOR OF U.S. PATENT AND TRADEMARK OFFIC ***
***FROM KAMRAN ARGHAVANIFARD/ALBERT KAHEN ***

Sixty-five dollars and no cents

***\$65.00**

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Application # 10/749,091

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Richard Levy
CONTROLLER

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P.O. Box 1450

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2. Article Number

(Transfer from service label)

7007 3020 0001 6458 6348

PS Form 3811, February 2004

Domestic Return Receipt

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☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

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If YES, enter delivery address below: ☐ No

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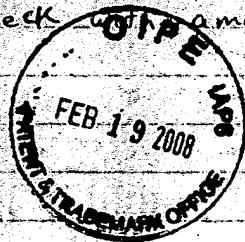
☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes



1. Application No: 10/749,091

2. Filing Date: 12/31/2003

3. Title: Time clock and payroll calculator software

4. Inventors: Kamran Arghavanifard / Albert Kahan

5. USPTO Forms: PTO/SB/01, PTO/SB/02A

6. Specification (12 pages)

7. Including 19 claims in 3 pages

8. Including 16 figures in 16 pages

9. one official check with amount of \$65.00

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Albert Kahan

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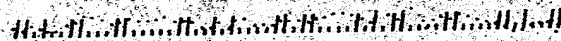


To: Albert Kahan

998 S. Robertson Blvd #103A

Los Angeles, CA 90035

+1826



**FW: case 10/749091**

Monday, October 20, 2008 12:49 PM

From: "Iwarere, Oluseye" <Oluseye.Iwarere@USPTO.GOV>**To:** smilemakersdds@hotmail.com, kiakah@yahoo.com

From: Hilliard, Sonya
Sent: Friday, October 17, 2008 1:10 PM
To: Iwarere, Oluseye
Subject: RE: case 10/749091

At this point, via phone you can just tell him that he has to send in a petition to revive the case. Anybody who looks at the case will see the response is timely.

From: Iwarere, Oluseye
Sent: Wednesday, October 15, 2008 12:51 PM
To: Hilliard, Sonya
Subject: RE: case 10/749091

Sonya,

Is there a formal letter or correspondence I can send the applicant confirming that he sent a timely response, he has requested some form of documentation.

Thanks
-Seye

From: Hilliard, Sonya
Sent: Tuesday, October 14, 2008 3:42 PM
To: Iwarere, Oluseye
Subject: RE: case 10/749091

He did in fact submit a timely response on his part. At this point they will have to file a petition in order to reopen the prosecution.

From: Iwarere, Oluseye
Sent: Tuesday, October 14, 2008 3:26 PM
To: Hilliard, Sonya
Subject: FW: case 10/749091

Hello, Sonya,

Do you have any information on this matter below?

Thanks,

-Seye

From: Iwarere, Oluseye
Sent: Tuesday, October 14, 2008 3:09 PM
To: Siles, Viviana (Chugach)
Cc: Gart, Matthew S (AU3687)
Subject: case 10/749091

Hello Viviana,

I received a call from Albert Kahen, one of the applicants to the pro-se application 10/749091, which went abandoned because no reply was received. Mr. Kahen said that he has a receipt of postage that confirms he sent a response in a timely manner, however no response received my docket. I also tried to contact the applicant but no attorney was listed.

Was there a mix-up in the mail center, or is there any information you could give me on the status of this case?

Thanks

-Seye Iwarere
Patent Examiner, AU 3687
United States Patent & Trademark Office